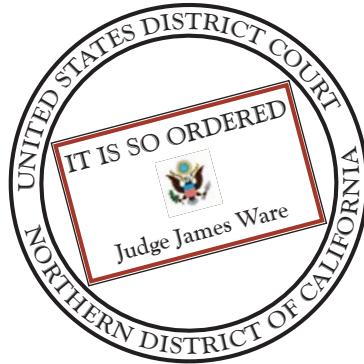


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ACACIA MEDIA TECHNOLOGIES CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

# ACACIA MEDIA TECHNOLOGIES CORPORATION,

Plaintiff.

vs.

## CEBRIDGE CONNECTIONS.

**Defendant.**

) Case No. C 05 01703 SBA  
)

) Case No. C 05 01114 JW  
)

) **[PROPOSED] ORDER RE ACACIA'S**  
)

) **MOTION FOR ADMINISTRATIVE**  
)

) **RELIEF TO CONSIDER WHETHER**  
)

) **CASES SHOULD BE RELATED**  
)

) DATE: N/A  
)

) TIME: N/A  
)

) CTRM: Hon. James Ware  
)

)  
)

)  
)

)  
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1       On May 4, 2005, Plaintiff Acacia Media Technologies Corporation (“Acacia”)  
2 filed a motion, pursuant to Local Rule 3-12, for administrative relief to consider  
3 whether this case, which involves claims for infringement of patents within Acacia’s  
4 “Yurt family” of patents, should be deemed related to the twenty other actions  
5 currently-pending before this Court which also involve claims for infringement of  
6 Acacia’s Yurt family of patents. Acacia specifically requested that this case be  
7 reassigned to this Court to conserve judicial resources and promote an efficient  
8 determination of the action. All of the other twenty cases currently before Judge  
9 Ware were transferred to Judge Ware in this District by order of the Judicial Panel on  
10 Multidistrict Litigation.

11      On May 11, 2005, this Court issued an Order Denying Acacia’s Administrative  
12 Motion on the grounds that: “[T]his Court finds that assignment must be made in  
13 accordance with the MDL Rules of Procedure.” On the same day, this Court issued  
14 an Order of Referral of Tag-Along Action to the MDL Clerk, notifying the clerk of  
15 the Multidistrict Panel that this action “appears to be a ‘tag-along’ action as defined in  
16 MDL Rule 1.1” and referring “this matter to the Clerk of the Multidistrict Panel for  
17 further action pursuant to MDL Rule 7.4.”

18      MDL Rule 7.5(a) applies to potential “tag-along” actions that are filed in the  
19 transferee district, such as the present case. According to Rule 7.5(a), the MDL Panel  
20 will take no action on the Court’s referral of this case to the MDL Panel as a “tag-  
21 along” action, because assignment to the transferee judge is to be handled pursuant to  
22 the court’s local rules for assignment of related actions:

23           **Rule 7.5(a)** Potential “tag-along actions” filed in the transferee  
24 district require no action on the part of the Panel and requests  
25 for assignment of such actions to the Section 1407 transferee  
26 judge should be made in accordance with local rules for  
27 assignment of related actions.  
28

Upon reconsideration of its denial of Acacia's administrative motion, this Court, applying MDL Rule 7.5(a), hereby conditionally GRANTS Acacia's administrative motion only for the purpose of pre-trial proceedings pursuant to the MDL transfer Order dated February 24, 2005.

Accordingly, this Court reassigned the case of *Acacia Media Technologies Corporation v. Cebridge Connections*, Case No. 05-CV-01703 SBA to this Court to be included, only for the purpose of pre-trial proceedings, with the twenty cases comprising case no. MDL-1665, which have been grouped for convenience as *In re Acacia Media Technologies Corporation*, Case No. CV-05-1114 JW (HRL).

IT IS SO ORDERED.

Dated: June 27, 2005

/s/ James Ware

Honorable James Ware  
United States District Judge

## Presented by:

## HENNIGAN, BENNETT & DORMAN LLP

By: /S/

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## **PROOF OF SERVICE-UNITED STATES DISTRICT COURT**

I, Sylvia A. Berson, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 601 South Figueroa Street, Suite 3300, Los Angeles, California 90017.

On June 20, 2005, I served a copy of the within document(s) described as  
**[PROPOSED] ORDER RE ACACIA'S MOTION FOR ADMINISTRATIVE  
RELIEF TO CONSIDER WHETHER CASES SHOULD BE RELATED** by  
transmitting via United States District Court for the Central District of California  
Electronic Case Filing Program the document(s) listed above by uploading the  
electronic files for each of the above listed document(s) on this date, addressed as set  
forth on the **attached Service List**.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

Chambers of the Honorable James Ware  
Attn: Regarding Acacia Litigation  
280 South First Street  
San Jose, CA 95113  
*3 copies*

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of mail with the United States Postal Service; pursuant to that practice, envelopes placed for collection at designated locations during designated hours are deposited with the United States Postal Service with first class postage thereon fully prepaid that same day in the ordinary course of business; and,

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 20, 2005**, at Los Angeles, California.

Sylvia A. Berson /s/

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